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AMENDED IN ASSEMBLY JUNE 1, 2009

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CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1177

Introduced by Assembly Members Fong and Hill
(Coauthors: Assembly Members Blumenfield, Chesbro, Fuentes,
Jones, and Portantino)
(Coauthors: Senators DeSaulnier and Lowenthal)

February 27, 2009

An act to add Chapter 7 (commencing with Section 8260) to Division 8 of the Welfare and Institutions Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

AB 1177, as amended, Fong. Homelessness: Interagency Council on Homelessness.

Under existing law, several agencies have prescribed responsibilities relating to homeless persons.

This bill would, among other things, create the California Interagency Council on Homelessness, composed of specified members, to construct cross-agency and community cooperation in responding to homelessness, use a more efficient and supportive method in implementing evidence-based approaches to address homelessness, and, to the extent possible, plan to end homelessness in the state. This bill would also require the council to ~~submit its reports, not less than annually~~ *any reports or documents that it creates, within 90 days of being finalized*

by the council, to specified committees of the Legislature and to perform other duties as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California has the highest rate of homelessness and the
4 highest ratio of homeless people per resident, with 360,000 people
5 sleeping on the streets or in shelters on any given night.

6 (b) Homelessness is traumatic for those who suffer it, often
7 leading to separated families, exacerbation of health conditions, a
8 rise in avoidable emergency room use, social and academic delays
9 among children, and greater likelihood of incarceration.

10 (c) Many people who lack permanent shelter and the ability to
11 access regular support ricochet through separate and expensive
12 public systems: overburdened corrections systems, overcrowded
13 hospital emergency rooms, mental health programs, substance
14 abuse treatment and detox facilities, shelters, and emergency
15 housing. As a result, people experiencing chronic homelessness
16 use a disproportionate share of state and local services.

17 (d) Innovative approaches across the nation and within
18 California show promise for reducing homelessness and the
19 resulting impact on state services.

20 (e) Changing the system and reducing homelessness requires
21 coordination and cooperation among federal, state, and local
22 governments, as well as private sector organizations.

23 (f) Creation of a statewide coordinating council is an important
24 and effective tool in supporting initiatives to end homelessness in
25 California.

26 (g) Creation of a statewide coordinating council would stem
27 avoidable costs of maintaining the number of homeless persons
28 and would, therefore, result in reducing avoidable costs to multiple
29 programs.

30 (h) Homelessness affects multiple systems in California,
31 including housing, mental health and substance abuse, education,
32 corrections, foster care, health care, and veterans services. Though
33 most other states have adopted a plan to end homelessness because

1 of the cost impact on all of these systems, California has not crafted
2 a similar plan. A codified, structured interagency council on
3 homelessness would help fill this gap.

4 (i) In November 2005, Governor Schwarzenegger created the
5 Governor's Homeless Initiative, which included plans to form an
6 interagency coordinating council to reduce homelessness. The
7 Business, Transportation and Housing Agency's 2005–10
8 Consolidated Plan further indicates the importance of an
9 interagency council on homelessness. Despite these intentions, a
10 council has not met regularly or publicly since the Governor
11 adopted his Homeless Initiative.

12 (j) California must give priority to developing consolidated,
13 coordinated, and cooperative approaches to issues of homelessness,
14 *including, but not limited to, specific issues addressing homeless*
15 *youth, families, veterans, parolees, victims of domestic violence,*
16 *people with substance abuse or other mental health disorders,*
17 *people experiencing chronic homelessness, seniors, and disabled*
18 *people.*

19 (k) Working within current costs, a revitalized Interagency
20 Council on Homelessness will reduce duplication of efforts and
21 the costs of homelessness and will redirect resources to more
22 effective approaches, developing a more integrated system and
23 eliminating fragmentation.

24 SEC. 2. Chapter 7 (commencing with Section 8260) is added
25 to Division 8 of the Welfare and Institutions Code, to read:

26
27 CHAPTER 7. CALIFORNIA INTERAGENCY COUNCIL ON
28 HOMELESSNESS
29

30 8260. For purposes of this chapter, the following definitions
31 shall apply:

32 (a) ~~“At risk of homelessness” means a history of homelessness~~
33 ~~and an income of 30 percent or below the area median income.~~

34 (b)

35 (a) “Council” means the California Interagency Council on
36 Homelessness.

37 (c) ~~“Homelessness” means a condition where a person lacks a~~
38 ~~fixed, regular, or adequate nighttime residence or who has a~~
39 ~~primary nighttime residence that is either a supervised publicly or~~
40 ~~privately operated shelter designed to provide temporary living~~

1 ~~accommodations or a public or private place not designed for, or~~
2 ~~ordinarily used as, a regular sleeping accommodation for a human~~
3 ~~being. Homelessness also applies to a person who is exiting an~~
4 ~~institutional setting and is at risk of homelessness, or is living in~~
5 ~~transitional or temporary housing.~~

6 ~~(d)~~

7 (b) “Stakeholder organization” means a nonprofit or faith-based
8 organization whose primary mission is to prevent or end
9 homelessness, to provide services or health care to people who are
10 homeless, or to create housing for people who are homeless.

11 8261. (a) There is hereby created in state government the
12 California Interagency Council on Homelessness with a mission
13 to construct cross-agency and community cooperation in
14 responding to homelessness, to use a more efficient and supportive
15 method in implementing evidence-based approaches to address
16 homelessness, and, to the extent possible, plan to end homelessness
17 in the state.

18 (b) The Governor shall designate a lead agency that shall seek
19 all available federal funding, including, but not limited to,
20 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301
21 et seq.) grant and technical assistance funds, for purposes of
22 funding the council and its activities.

23 (c) Membership of the council shall include all of the following:

24 (1) At least one representative with decisionmaking authority
25 from each of the following:

26 (A) The State Department of Alcohol and Drug Programs.

27 (B) The Department of Community Services and Development.

28 (C) The Department of Corrections and Rehabilitation.

29 (D) The State Department of Education.

30 (E) The State Department of Health Care Services.

31 (F) The Department of Housing and Community Development.

32 (G) The California Housing Finance Agency.

33 (H) The State Department of Mental Health.

34 (I) The State Department of Social Services.

35 ~~(J) The California Tax Credit Allocation Committee.~~

36 ~~(K)~~

37 (J) The Department of Veterans Affairs.

38 (2) A representative of the Governor’s office.

39 ~~(3) A representative from the Senate, to be appointed by the~~
40 ~~President pro Tempore of the Senate, or his or her designee.~~

1 ~~(4) A representative from the Assembly, to be appointed by the~~
2 ~~Speaker of the Assembly, or his or her designee.~~

3 ~~(5) Two members of the philanthropic community from~~
4 ~~organizations that are active in homelessness issues, to be appointed~~
5 ~~by the Governor.~~

6 ~~(6) At least five representatives of local and regional~~
7 ~~jurisdictions, to be appointed by the Governor, which shall include~~
8 ~~each of the following:~~

9 ~~(A) At least one~~

10 ~~(3) A representative of local law enforcement or an organization~~
11 ~~representing the interests of local law enforcement, *to be appointed*~~
12 ~~*by the Governor.*~~

13 ~~(B) At least one~~

14 ~~(4) A representative of county government or an organization~~
15 ~~representing the interests of county government, *to be appointed*~~
16 ~~*by the Chairperson of the Senate Committee on Rules.*~~

17 ~~(C) At least one~~

18 ~~(5) A representative of city government or an organization~~
19 ~~representing the interests of city government, *to be appointed by*~~
20 ~~*the Speaker of the Assembly.*~~

21 ~~(7) Representatives of at least two stakeholder organizations,~~
22 ~~to be appointed by the Governor.~~

23 ~~(8) At least two people who have experienced homelessness,~~
24 ~~to be appointed by the Governor.~~

25 ~~(6) Representatives of two stakeholder organizations, with one~~
26 ~~to be appointed by the Speaker of the Assembly and the other to~~
27 ~~be appointed by the Chairperson of the Senate Committee on Rules.~~

28 ~~(7) Two people who have experienced homelessness, with one~~
29 ~~to be appointed by the Speaker of the Assembly and the other to~~
30 ~~be appointed by the Chairperson of the Senate Committee on Rules.~~

31 ~~(d) The council may, at its discretion, invite stakeholders, people~~
32 ~~who have experienced homelessness, members of philanthropic~~
33 ~~communities, and experts to participate in meetings or provide~~
34 ~~information to the council.~~

35 ~~(d)~~

36 ~~(e) The Governor shall appoint a chairperson and~~
37 ~~vice-chairperson from among the members of the council. Within~~
38 ~~current costs, the council may establish working groups, task~~
39 ~~forces, or other structures from within its membership or with~~
40 ~~outside members to assist it in its work. Working groups, task~~

1 forces, or other structures established by the council shall determine
2 their own meeting schedules.

3 ~~(e) All members~~

4 *(f) Members of the council shall serve without compensation,*
5 ~~unless except that the representatives appointed pursuant to~~
6 ~~paragraph (7) of subdivision (c) shall receive compensation if~~
7 private, philanthropic, or other nonstate funding resources are
8 ~~available, or unless available. The council may compensate council~~
9 ~~staff if the Legislature makes a future appropriation, to operate,~~
10 manage, or conduct the business of the council.

11 ~~(f)~~

12 *(g) All reports or documents that the council creates shall be*
13 ~~submitted, not less than annually within 90 days of being finalized~~
14 ~~by the council, to the Senate Committee on Transportation and~~
15 ~~Housing, the Senate Committee on Human Services, the Assembly~~
16 ~~Committee on Housing and Community Development, and the~~
17 ~~Assembly Committee on Human Services. However, nothing in~~
18 ~~this chapter shall be construed as requiring the council to create~~
19 ~~a report or document.~~

20 8262. (a) The council shall do all of the following:

21 (1) Hold public meetings at least once every quarter.

22 (2) Act as the lead for coordinating and planning the state's
23 response to homelessness, including, but not limited to,
24 coordinating funding that the state receives from the federal
25 government for the prevention or reduction of homelessness or for
26 services delivered to people who are homeless or at risk of
27 homelessness.

28 ~~(3) Streamline~~ *Discuss potential mechanisms for streamlining*
29 *the administration of programs across agencies and jurisdictions*
30 *to reduce duplication, consolidate availability of services, and ease*
31 *clients' access to services.*

32 ~~(4) Streamline~~ *Discuss potential mechanisms for streamlining*
33 *funding of homelessness programs to leverage existing resources*
34 *more effectively.*

35 (5) Solicit input and suggestions from stakeholders, the business
36 community, the concerned public, and other governmental agencies
37 on the most effective strategies to address homelessness.

38 (6) Identify best practices from other states in combating
39 homelessness.

1 (7) ~~Create~~ *Within current costs, or provided funding is available*
2 *for related costs, create* a plan for council actions by the end of
3 the first year after the initial meeting, with annual review, to
4 implement recommendations for policy, regulatory, and resource
5 changes needed to accomplish objectives, as well as each agency's
6 responsibilities on the council.

7 (8) Within current costs, or provided funding is available for
8 related costs, ~~publish and within three years of the initial meeting~~
9 *of the council, adopt* a plan to reduce or end homelessness ~~within~~
10 ~~three years~~.

11 (9) ~~Collaborate on planning~~ *Discuss potential improvements or*
12 *plans* for discharge of people likely to become homeless after
13 leaving institutions, including, but not limited to, prisons, crisis
14 health care facilities, and foster care.

15 (10) Gather needs assessments from local jurisdictions that are
16 currently required to submit needs assessments to a state agency,
17 including, but not limited to, city housing elements and community
18 continuation of care.

19 (11) Not later than January 1, 2015, create a centralized database
20 on homelessness, provided federal funds or other nonstate moneys
21 are available for that purpose.

22 (12) Not later than January 1, 2017, assist in the coordination
23 of a statewide continuum of care, provided funds are available.

24 (13) Identify private and public funding partnerships.

25 (b) The council may engage or accept the services of agency
26 personnel, contract with nonprofit organizations, or employ council
27 staff to operate, manage, or conduct the business of the council,
28 provided that private, philanthropic, or other nonstate funding
29 resources are available for that purpose, or the Legislature makes
30 a future appropriation for that purpose.

31 8263. Except as otherwise provided in this chapter, the council
32 shall operate within the current budget of each department and
33 agency represented. Each department and agency shall cooperate
34 with the council and furnish it with information and assistance that
35 is necessary or useful to further the purposes of this chapter.